

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GREGORY C. DICKSON,	§
	§ No. 334, 2009
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0808020674
	§
Plaintiff Below-	§
Appellee.	§

Submitted: June 16, 2009

Decided: July 7, 2009

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

**ORDER**

This 7<sup>th</sup> day of July 2009, upon consideration of the State of Delaware's request for remand, it appears to the Court that:

(1) On October 27, 2008, the defendant-appellant, Gregory C. Dickson, pleaded guilty to one count of Failure to Register as a Sex Offender. Dickson was sentenced on April 24, 2009. While the sentencing order appears to have been docketed on April 24, 2009, there is a notation that states the order was "signed and filed 05/01/09." Any appeal from Dickson's convictions and sentences should, therefore, have been filed, at

the very least, on or before June 1, 2009.<sup>1</sup> However, Dickson did not file his *pro se* appeal in this Court until June 9, 2009.

(2) On June 9, 2009, the Clerk of the Court issued a notice to Dickson to show cause why his appeal should not be dismissed as untimely filed. Dickson filed responses to the notice to show cause on June 16 and June 19, 2009. In the responses, Dickson states that his failure to file a timely notice of appeal was not his fault.

(3) The Court requested the State to reply to Dickson's response to the notice to show cause. In its reply, the State urges that, in these circumstances, the matter should be remanded to the Superior Court for a determination of whether Dickson instructed his attorney to file an appeal.<sup>2</sup> If the Superior Court determines that Dickson instructed his attorney to file an appeal, then its sentencing order should be vacated and Dickson re-sentenced, with the assistance of counsel, so that a timely appeal may be filed.<sup>3</sup>

(4) In the interest of justice, we conclude that this matter should be remanded to the Superior Court for an evidentiary hearing and further proceedings in accordance with this Order.

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<sup>1</sup> Supr. Ct. R. 6(a) (ii).

<sup>2</sup> *Roe v. Flores-Ortega*, 528 U.S. 470, 485 (2000).

<sup>3</sup> *Id.* at 478.

NOW, THEREFORE, IT IS ORDERED that this matter is hereby  
REMANDED to the Superior Court for further proceedings in accordance  
herewith. Jurisdiction is not retained.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice